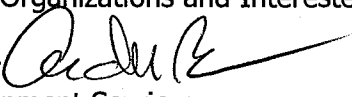




October 4, 2013

To: Citizen Participation Organizations and Interested Parties

From: Andy Back, Manager   
Planning and Development Services

Subject: **PROPOSED A-ENGROSSED ORDINANCE NO. 771**

On June 27, 2013, you were notified about initial public hearings for proposed Land Use Ordinance No. 771 before the Planning Commission on August 7, 2013, and the Board of Commissioners (Board) on September 3, 2013. The Board ordered substantive amendments to this ordinance on September 24, 2013. These changes have been incorporated into proposed **A-Engrossed Ordinance No. 771** and are summarized below.

#### **Ordinance Purpose and Summary**

Proposed A-Engrossed Ordinance No. 771 amends Washington County Community Development Code (CDC) Section 390 to allow for the location of public utilities (with the exception of electrical substations) within the North Bethany Subarea. The ordinance also proposes a variety of clarification amendments to CDC Sections 390 and 405, Policy 18 of the Comprehensive Framework Plan for the Urban Area (CFP), and Chapter 2: North Bethany Subarea Plan of the Bethany Community Plan.

#### **Who is Affected**

Owners and developers of properties within the North Bethany Subarea.

#### **What Land is Affected**

Properties within the North Bethany Subarea.

#### **Original Ordinance No. 771 Provisions**

As originally filed, Ordinance No. 771 proposed the following amendments to the CDC, the CFP, and the North Bethany Subarea Plan of the Bethany Community Plan:

- Adds Public Utilities as a Type III permitted use in all North Bethany land use districts, and adds Special Use standards for Public Utilities.
- Adds Regional Stormwater Facilities as a Type II permitted use in all North Bethany land use districts.
- Identifies Electrical Substations as a prohibited use in all North Bethany land use districts.
- Clarifies the types of development proposals for which construction of adjacent street and sidewalk improvements is required.
- Adds clarifying language to the descriptions of the North Bethany Subarea Plan maps for Primary Streets, Significant Natural and Cultural Resources, and Community Service Uses.
- Adds locational criteria for the Institutional North Bethany (INST NB) District to the CFP.

**Department of Land Use & Transportation · Planning and Development Services**  
**Long Range Planning**

155 N First Avenue, Ste. 350 MS 14 · Hillsboro, OR 97124-3072  
phone: (503) 846-3519 · fax: (503) 846-4412 · TTY: (503) 846-4598 · [www.co.washington.or.us](http://www.co.washington.or.us)

## **Proposed A-Engrossed Ordinance No. 771 Provisions**

Proposed **A-Engrossed Ordinance No. 771** incorporates most of the above-described amendments, but removes the amendments to clarify types of development proposals for which construction of adjacent street and sidewalk improvements is required.

The engrossed ordinance adds the following proposed amendments:

- Adds language authorizing development on lands with slopes greater than 25 percent that are located outside of the Natural Features Buffer, subject to specific requirements.
- Amends the Urban/Rural Edge Standards in CDC Section 390-19.2 to allow private street stubs or driveways to North Bethany boundaries that abut rural lands with Rural Reserves designations under specific circumstances.

### **Public Hearings - Time and Place**

#### **Board of Commissioners**

**October 15, 2013  
10:00 am**

**October 22, 2013  
6:30 pm**

Hearings will be held in the Shirley Huffman Auditorium in the Charles D. Cameron Public Services Building, 155 N. First Avenue, Hillsboro, Oregon.

On October 22, 2013, the Board may choose to adopt the ordinance, make changes to it, continue the hearing to a future date, or reject the ordinance. If it is adopted on October 22, the ordinance would become effective on November 21, 2013.

#### **Urban Comprehensive Plan Policies Amended**

- Policy 18 (Plan Designations and Locational Criteria for Development)

#### **Community Development Code Standards Amended**

- CDC Section 390 (North Bethany Overlay District)
- CDC Section 405 (Open Space)

#### **Urban Community Plan(s) Amended**

- Bethany Community Plan, Chapter 2: North Bethany Subarea Plan

#### **How to Submit Comments**

Submit oral or written testimony to the Board at one of the public hearings. Written testimony may be mailed or faxed to the Board in advance of the public hearings in care of Long Range Planning. **We are unable to accept e-mail as public testimony.**

Washington County, Department of Land Use & Transportation  
Planning and Development Services, Long Range Planning  
155 N. First Ave., Suite 350-14, Hillsboro, OR 97124-3072  
Fax: 503-846-4412

**Staff Contact**

Suzanne Savin, Senior Planner  
155 N. First Ave., Suite 350-14, Hillsboro, OR 97124-3072  
Telephone: 503-846-3963 Fax: 503-846-4412  
e-mail: [suzanne\\_savin@co.washington.or.us](mailto:suzanne_savin@co.washington.or.us)

**Proposed Ordinance is available at the following locations:**

- Washington County, Department of Land Use & Transportation Planning and Development Services, Long Range Planning  
155 N. First Ave., Hillsboro, OR 97124-3072  
Telephone: 503-846-3519
- [www.co.washington.or.us/LUT/Divisions/LongRangePlanning/2013-land-use-ordinances.cfm](http://www.co.washington.or.us/LUT/Divisions/LongRangePlanning/2013-land-use-ordinances.cfm)
- Cedar Mill Community Library and Tigard Public Library
- Citizen Participation Organizations (CPOs) Call 503-821-1128 for a directory of CPOs.

**AGENDA****WASHINGTON COUNTY BOARD OF COMMISSIONERS**

**Agenda Category:** Public Hearing – Fifth Reading and Fifth Public Hearing  
Land Use & Transportation; County Counsel (CPO 7)

**Agenda Title:** **PROPOSED A-ENGROSSED ORDINANCE NO. 771 – AN  
ORDINANCE AMENDING ELEMENTS OF WASHINGTON  
COUNTY’S COMPREHENSIVE PLAN RELATING TO  
IMPLEMENTATION OF THE NORTH BETHANY SUBAREA  
PLAN**

**Presented by:** Andrew Singelakis, Director of Land Use & Transportation  
Alan Rappleyea, County Counsel

**SUMMARY:**

A-Engrossed Ordinance No. 771 proposes to amend the county’s Community Development Code (CDC) Section 390 to allow for the location of public utilities (with the exception of electrical substations) within the North Bethany Subarea. The ordinance also proposes a variety of clarification and housekeeping amendments to CDC Section 390 and Policy 18 of the Comprehensive Framework Plan for the Urban Area; and Chapter 2: North Bethany Subarea Plan of the Bethany Community Plan. The proposed ordinance is posted on the county's land use ordinance web page at the following link:

<http://www.co.washington.or.us/LUT/Divisions/LongRangePlanning/2013-land-use-ordinances.cfm>

The Board conducted hearings for Ordinance No. 771 on September 3, 17 and 24, 2013. On September 24, 2013, the Board ordered engrossment of the ordinance to make a number of changes. A description of those changes was included in the staff report for the October 15, 2013 hearing. The Board held its first hearing for A-Engrossed Ordinance No. 771 on October 15, 2013 and continued the hearing to October 22, 2013.

The staff report for the October 22 hearing will be provided to the Board prior to the hearing and posted on the above land use ordinance web page. Copies of the report will also be available electronically and at the Clerk’s desk prior to the hearing.

Consistent with Board policy, testimony about the ordinance is limited to two minutes for individuals and five minutes for a representative of a group.

Clerk’s Desk Item: Staff Report (*click to access electronic copy*)

**DEPARTMENT’S REQUESTED ACTION:**

Read A-Engrossed Ordinance No. 771 by title only and conduct the second public hearing for the engrossed ordinance. At the conclusion of hearing, adopt A-Engrossed Ordinance No. 771.

**COUNTY ADMINISTRATOR’S RECOMMENDATION:**

I concur with the requested action.

**ADOPTED**

Agenda Item No.	<b>4.b.</b>
Date:	10/22/13

IN THE BOARD OF COUNTY COMMISSIONERS  
FOR WASHINGTON COUNTY, OREGON

A-ENGROSSED ORDINANCE 771

An Ordinance Amending the Bethany Community Plan, the Community Development Code, and the Comprehensive Framework Plan for the Urban Area as Related to Implementation of the North Bethany Subarea Plan

The Board of County Commissioners of Washington County, Oregon, ordains as follows:

SECTION 1

A. The Board of County Commissioners of Washington County, Oregon, recognizes that the Bethany Community Plan was adopted by Ordinance Nos. 263 and 265 and subsequently amended by Ordinance Nos. 345, 420, 471, 480, 551, 588, 610, 615, 620, 649, 702, 712, 730, 739, 744, 745, and 758.

B. The Board of County Commissioners of Washington County, Oregon, recognizes that the Community Development Code Element of the Comprehensive Plan (Volume IV) was readopted with amendments on September 9, 1986, by way of Ordinance No. 308, and subsequently amended by Ordinance Nos. 321, 326, 336-341, 356-363, 372-378, 380, 381, 384-386, 392, 393, 397, 399-403, 407, 412, 413, 415, 417, 421-423, 428-434, 436, 437, 439, 441-443, 449, 451-454, 456, 457, 462-464, 467-469, 471, 478-481, 486-489, 504, 506-512, 517-523, 525, 526, 528, 529, 538, 540, 545, 551-555, 558-561, 573, 575-577, 581, 583, 588, 589, 591-595, 603-605, 607-610, 612, 615, 617, 618, 623, 624, 628, 631, 634, 635, 638, 642, 644, 645, 648, 649, 654, 659-662, 667, 669, 670, 674, 676, 677, 682-686, 692, 694-698, 703, 704, 708, 709, 711, 712, 718-720, 722, 725, 730, 732, 735, 739, 742-745, 754-758, 760, 762, 763, 765, and 766.

1 C. The Board of County Commissioners of Washington County, Oregon, recognizes  
2 that the Comprehensive Framework Plan for the Urban Area element of the Comprehensive Plan  
3 (Volume II) was readopted with amendments on September 9, 1986, and subsequently amended by  
4 Ordinance Nos. 343, 382, 432, 459, 471, 480, 483, 516, 517, 526, 551, 555, 561, 571, 572, 588,  
5 590, 598, 608-610, 612-615, 620, 624, 631, 632, 637, 643, 649, 662, 666, 669, 671, 683, 686, 694,  
6 712, 726, 730, 732, 733, 739, 742, 744, 745, 753, 758, and 764.

7 D. The Board recognizes that since the adoption of the final ordinances establishing and  
8 implementing the North Bethany Subarea Plan of the Bethany Community Plan for development,  
9 additional changes, whether housekeeping or otherwise – including amendments to the CDC to  
10 allow for public utilities within North Bethany, except for electric substations, to allow  
11 development on slopes greater than 25 percent that are outside of the Natural Features Buffer, and  
12 adding locational criteria for plan amendments involving the Institutional North Bethany land use  
13 district, are necessary to ensure the proper operation of the subarea plan. The Board further  
14 recognizes that these amendments are for the benefit of the health, safety, and general welfare of the  
15 residents of Washington County, Oregon. Under the provisions of Washington County Charter  
16 Chapter X, the Department of Land Use and Transportation has carried out its responsibilities,  
17 including preparation of notices, and the County Planning Commission has conducted one or more  
18 public hearings on the proposed amendments and has submitted its recommendations to the Board.  
19 The Board finds that this Ordinance is based on those recommendations and any modifications  
20 made by the Board are a result of the public hearings process.

21 ///

22 ///

1 E. The Board finds and takes public notice that it is in receipt of all matters and  
2 information necessary to consider this Ordinance in an adequate manner, and finds that this  
3 Ordinance complies with the Statewide Planning Goals, the standards for legislative plan adoption  
4 as set forth in Chapters 197 and 215 of the Oregon Revised Statutes, the Washington County  
5 Charter, the Washington County Community Development Code, and the Washington County  
6 Comprehensive Plan.

7 SECTION 2

8 The following exhibits, attached and incorporated herein by reference, are hereby adopted as  
9 amendments to the following documents:

- 10 1. Exhibit 1 (9 pages) – Amends Chapter 2, North Bethany Subarea Plan, of the Bethany  
11 Community Plan;
- 12 2. Exhibit 2 (4 pages) – Amends maps in Chapter 2, North Bethany Subarea Plan, of the  
13 Bethany Community Plan;
- 14 3. Exhibit 3 (25 pages) – Amends Community Development Code Section 390, NORTH  
15 BETHANY SUBAREA OVERLAY DISTRICT, of Article III, Land Use Districts, and  
16 Community Development Code Section 405, OPEN SPACE, of Article IV,  
17 Development Standards;
- 18 4. Exhibit 4 (4 pages) – Amends Policy 18 (Plan Designations and Locational Criteria for  
19 Development) of the Comprehensive Framework Plan for the Urban Area.

20 SECTION 3

21 All other Comprehensive Plan provisions that have been adopted by prior ordinance, which  
22 are not expressly amended or repealed herein, shall remain in full force and effect.

1     SECTION 4

2             All applications received prior to the effective date shall be processed in accordance with  
3     ORS 215.427.

4     SECTION 5

5             If any portion of this Ordinance, including the exhibits, shall for any reason be held invalid  
6     or unconstitutional by a body of competent jurisdiction, the remainder shall not be affected thereby  
7     and shall remain in full force and effect.

8     SECTION 6

9             The Office of County Counsel and Department of Land Use and Transportation are  
10     authorized to prepare planning documents to reflect the changes adopted under Section 2 of this  
11     Ordinance, including deleting and adding textual material and maps, renumbering pages or sections,  
12     and making any technical changes not affecting the substance of these amendments as necessary to  
13     conform to the Washington County Comprehensive Plan format.

14     ///

15     ///

16     ///

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1 SECTION 7

2 This Ordinance shall take effect on November 21, 2013.

3 ENACTED this 22nd day of October, 2013, being the 5th reading and  
4 5th public hearing before the Board of County Commissioners of Washington County, Oregon.

5 BOARD OF COUNTY COMMISSIONERS  
6 FOR WASHINGTON COUNTY, OREGON

7 **ADOPTED**

8 

CHAIRMAN

9 

RECORDING SECRETARY

10 READING

PUBLIC HEARING

11 First September 3, 2013  
12 Second September 17, 2013  
13 Third September 24, 2013  
14 Fourth October 15, 2013  
15 Fifth October 22, 2013

11 First September 3, 2013  
12 Second September 17, 2013  
13 Third September 24, 2013 (Engrossment Ordered)  
14 Fourth October 15, 2013  
15 Fifth October 22, 2013

14 VOTE: Aye: Terry, Rogers, Malinowski, Duyck  
15 Recording Secretary: Ana D. Noyola

Nay: NONE  
Date: 10/22/13

Chapter 2, North Bethany Subarea Plan, of the Bethany Community Plan is amended to reflect the following:

## Chapter 2: North Bethany Subarea Plan

### I. Introduction

The North Bethany Subarea Plan applies to land north of NW Springville Road with the exception of the Arbor Oaks Subarea. This chapter provides background and an overview of the Subarea's community planning principles and goals, describes the relevant maps, and prescribes general and neighborhood design elements. Where applicable, the Subarea Plan identifies the plan amendment procedure and criteria for proposing changes to the Subarea Plan.

\*\*\*

## IV. DESCRIPTIONS OF NORTH BETHANY SUBAREA PLAN AND MAPS

The North Bethany Subarea Plan is comprised of several plans, maps, and figures that are described below. These plans and maps are referenced throughout the North Bethany Subarea Design Elements and the Neighborhood Design Elements (see Section V and Section VI, respectively). The plans and maps are in Section VII.

Four of the North Bethany Subarea Plan maps are designated as official regulatory maps for the locations of principal features of the Subarea: the Land Use Designations Map; the Primary Streets Map; the Parks, Trails and Pedestrian Connections Map; and the Significant Natural Resources Map. These official regulatory maps are the sole maps that control the principal features they reference. The official regulatory maps and other North Bethany maps may also include other data that is present only for informational purposes. For example, the Primary Streets Map may also contain data about the location of Significant Natural Resources, but the location of Significant Natural Resources is regulated by the Significant Natural Resources Map, and not by the Primary Streets Map.

\*\*\*

### **F. Significant Natural and Cultural Resources Map**

The generalized location of Goal 5 designations in the North Bethany Subarea that were identified prior to the 2002 UGB expansion for the North Bethany Subarea, including Water Areas and Wetlands & Fish and Wildlife Habitat areas, have been moved from Chapter 1 to Chapter 2 of the Bethany Community Plan. Through the concept planning process for the North Bethany Subarea, these designations were also refined in conjunction with the development of a Local Wetland Inventory (LWI). The LWI identified Locally Significant Wetlands, which are wetland areas that are important for reasons related to location, size, quality and/or function. The LWI received approval from the Department of State Lands, and Clean Water Services is responsible for reviewing development proposals for compliance with the LWI.

Significant resources were identified through the application of statewide Land Use Planning Goal 5. The Significant Natural and Cultural Resources Map included in Chapter 2 shows the general locations of three ~~two~~ types of newly identified Goal 5 resources: Water Area and Wetlands, Water Area and Wetlands & Fish and Wildlife Habitat, Locally Significant Wetlands and Open Space. ~~Locally Significant Wetlands are wetland areas that are important for reasons related to location, size, quality and/or~~

~~function.~~ (Note that not all jurisdictional wetland areas are defined as significant pursuant to Goal 5 and therefore, not all jurisdictional wetland areas are shown on the map; the depictions are limited to those wetlands in the North Bethany Subarea that were determined to be significant.)

The ~~wetland Locally Significant Wetland~~ boundaries depicted on the Significant Natural and Cultural Resources Map represent preliminary planning level information. More refined and precise on-site delineations of the ~~Locally Significant Wetland wetland~~ areas and vegetated corridors will be provided through the development review process and it is expected that the boundaries shown on the Significant Natural and Cultural Resources Map will be adjusted accordingly. Delineation of the ultimate site boundaries for these features will be coordinated with the county and Clean Water Services and shall take into account all applicable regulations and Plan requirements.

Open Space resources shown on the Significant Natural and Cultural Resources Map include generalized locations for future parks and off-street trails, as well as existing features such as powerline rights-of-way, an existing cemetery and school ball fields and playgrounds. The ball fields and playgrounds for future schools will be designated as Open Space when they have been constructed.

The Significant Natural and Cultural Resources Map is the official regulatory map for the location of Goal 5 resources in the North Bethany Subarea Plan. Changes to the mapped resource boundaries shall be made through a plan amendment. A plan amendment is not required for adjustments (such as adjustments to Locally Significant Wetland boundaries and to school ball fields and playgrounds) that are permitted through the development review process described above.

When other North Bethany Subarea Plan maps are amended to ensure consistency with the Significant Natural and Cultural Resources Map, such amendments may be accomplished administratively outside of the ordinance and plan amendment process.

\*\*\*

## J. Community Service Use Map

The Community Service Use Map identifies suitable locations for community service uses (CSUs) as provided in the Community Development Code (CDC). ~~CSUsCommunity service uses~~ are neighborhood-scale public and quasi-public uses and/or gathering spaces that are necessary components of a complete community. The sites for ~~CSUcommunity service uses~~ are located in residential land use districts. The locations were identified through the concept planning process and were selected based on one or more of the following characteristics: Gateway locations; proximity to schools, parks and other public spaces located adjacent to land use districts where shared parking opportunities exist, and smaller sites that due to size and shape may pose challenges in developing future residential subdivisions. Development standards for the ~~CSUcommunity service uses~~ are included in the Subarea Plan's General Design Elements and CDC Section 390.

The Community Service Use Map functions similarly to an overlay, and allows ~~community service uses~~ (CSUs) at the identified locations as an alternative to residential development. Changes to the mapped locations of CSUs shall require a plan amendment, except as noted below.

The majority of the mapped CSU locations are adjacent to planned Primary Streets. Modifications to the planned alignment of Primary Streets are permitted through the development review process or through a plan amendment. Permitted modifications to the planned alignment of Primary Streets are defined in General Design Element 10, and in Areas of Special Concern. When the alignment of a planned Primary Street is modified through the development review or plan amendment process, the adjacent CSU location(s) will shift to retain their size and their adjacent relationship to the modified Primary Street alignment. A plan amendment is not required for this type of adjustment to CSU location(s).

abcdef Proposed additions

~~abcdef~~ Proposed deletions

While the Community Service Use Map provides locational flexibility, it does not include an implementing mechanism to ensure that CSU community service uses will develop at any of the mapped locations.

To encourage the development of CSUs at the locations shown on the Community Service Use Map, CSU development incentives have been included in CDC Section 390. To track the effectiveness of these incentives, staff from the Long Range Planning Section Division will conduct a status check of CSU development at 5-year intervals ~~for of five, 10, 15, and 20 years~~ after the FD-20 District has been removed from the North Bethany Subarea. If a CSU is converted to another use, staff may elect to conduct a status check at that time to determine if changes are needed to help ensure the provision of CSUs in North Bethany.

#### 1. Evaluation of the Development of Community Service Uses

At each of the intervals specified above in Subsection 1., the status check shall evaluate the following:

- a. The number and location of mapped CSU sites that have been developed with residences;
- b. The number and location of mapped CSU sites that have been developed with CSUs, including the number of CSUs developed with or without the use of the CDC incentive;
- c. The number of developed CSU sites by neighborhood; and
- d. The type of developed CSUs.

#### 2. Evaluation of Incentive Standards

At each of the intervals specified above in Subsection 1:

- a. If fewer than twenty-five percent (25%) of the mapped CSU sites have been developed in each of the Subarea's neighborhoods, the incentive provisions and criteria for CSUs shall be maintained; or
- b. If any type of development (residential, CSU, or both) has occurred on twenty-five percent (25%) or more of the mapped CSU sites in any Subarea neighborhood or within the Subarea as a whole, Long Range Planning staff shall convene a North Bethany stakeholder workgroup to examine if one of the actions described below in Subsection (1), (2) or (3) is needed. The recommendations of the stakeholder workgroup shall be presented to the Board of Commissioners for review. At the election of the Board, it may direct staff to file an ordinance to consider amendments to the North Bethany Subarea Plan and/or the Community Development Code to address criteria related to the provision of community service uses in the North Bethany Subarea. The stakeholder workgroup shall be composed of individuals representing development interests, North Bethany residents, North Bethany property owners, CPO 7, and county staff.
  - (1) If one (1) or fewer of the mapped CSU sites have been developed with a CSU in any Subarea neighborhood, then adoption of other measures to ensure provision of CSUs may be warranted;
  - (2) If five (5) or fewer of the mapped CSU sites have been developed with CSUs in the Subarea as a whole, then adoption of other measures to ensure provision of CSUs may be warranted; or

- (3) If more than five (5) of the mapped sites have been developed with a CSU (and especially if the incentives in CDC Section 390 were not utilized for the CSU development), then removal of the CSU incentives may be warranted.

\*\*\*

## K. Density Restricted Lands Map

The Density Restricted Lands Map identifies lands that have natural constraints in the form of wetlands, fish and wildlife habitat, estimated CWS vegetated corridors, open space, slopes greater than 25 percent, floodplains, and drainage hazard areas. These are important natural areas where development is precluded. These lands are given underlying land use designations. However, residential density was not assumed for these lands and not accounted for as buildable lands in the Title 11 concept planning process. Therefore, density transfers from density restricted lands are not allowed in North Bethany and development in density restricted lands is prohibited, except when permitted by provisions of this Community Plan and the Community Development Code (CDC). The Density Restricted Lands Map is intended to identify areas where residential development and density transfer are prohibited, with the exception of slopes greater than 25 percent that are located outside of the Natural Features Buffer on the Urban/Rural Edge Map. Development on slopes greater than 25 percent that are located outside of the Natural Features Buffer may be permitted if all CDC requirements are met, including the requirements of CDC Section 410 (Grading and Drainage).

For lands with slopes greater than 25% percent that are located within the Natural Features Buffer on the Urban/Rural Edge Map, residential development ~~is~~ may be permitted at the top of slope to allow the construction of a row of dwellings along the top of slope as depicted on the applicable Neighborhood Plans. Construction of segments of the perimeter trail is ~~may~~ also be permitted at the top of slope. Development at the top of these slopes shall comply with the requirements of CDC Section 390-18 and Section 410 of the Community Development Code.

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## V. NORTH BETHANY SUBAREA DESIGN ELEMENTS

All new development shall be consistent with the following design elements and Area of Special Concern requirements.

### A. General Design Elements

\*\*\*

#### 10. Circulation

\*\*\*

- c. New development shall dedicate right-of-way for new streets and extensions and alignments of existing streets as indicated on Washington County's Transportation Plan and the Primary Streets Map.

New development shall also be subject during development review to CDC Article V standards that implement the North Bethany Subarea growth management policy.

1. Modifications to the planned alignments of the Primary Streets are permitted through the development review process as described in Table A, or through the plan amendment requirements of Transportation Plan Policy 22.

**TABLE A: MODIFICATIONS TO THE ALIGNMENT OF PRIMARY STREETS**

Review Process	Review Standards
<del>Type II Planned Development</del> Type II or III Development Review	<del>The planned centerline may move up to seventy-five (75) feet when the standards in Section 2 below are met;</del> <del>The planned centerline may move within a specified Primary Street corridor when the standards in Section 3 below are met.</del>
Type II Development Review	<u>The planned centerline may move within a specified Primary Street corridor when the standards in Section 3 below are met.</u>
Type II or III Planned Development	The planned centerline may move more than seventy-five (75) feet when the standards in Section 4 below are met.

2. The planned centerline of a Primary Street may move up to seventy-five (75) feet when the following criteria are met:
  - (a) The proposed alignment will not cause the alignment of any part of the total length of the subject Primary Street to move on another property unless that property owner provides written consent approving the proposed alignment on his/her property. Without the written consent of an affected property owner, the proposed alignment shall be reviewed as a plan amendment and meet the requirements of Transportation Plan Policy 22;
  - (b) The realigned Primary Street continues to connect to the same Primary Street(s) shown on the Primary Streets Map;
  - (c) The proposed alignment provides a similar degree of connectivity to existing and planned streets. Where a future Primary Street is shown to be direct (including its connection to another Primary Street) it shall remain direct. Where a Primary Street is shown to be circuitous, it shall remain circuitous;
  - (d) The proposed alignment maintains the planned functional classification of new and existing streets in the surrounding area;
  - (e) The location of land use districts shall not shift; and
  - (f) The proposed alignment continues to comply with requirements of the North Bethany Subarea Plan that are applicable to the existing planned alignment, including but not limited to Areas of Special Concern; Neighborhood Design Elements; the Parks, Trails and Pedestrian Connections Map; and the Special Frontages Map.
3. The planned centerline of a Primary Street may move within a specified corridor when:

- (a) The Primary Street corridor is adopted by an Area of Special Concern; and
  - (b) The proposed location meets the requirements of the ASC.
4. The planned centerline of a Primary Street may move more than seventy-five (75) feet when the following criteria are met:
- (a) The proposed alignment will not cause the alignment of any part of the total length of the subject Primary Street to move on another property unless that property owner provides written consent approving the proposed alignment on his/her property. Without the written consent of an affected property owner, the proposed alignment shall be reviewed as a plan amendment and meet the requirements of Transportation Plan Policy 22;
  - (b) The realigned Primary Street continues to connect to the same Primary Street(s) shown on the Primary Streets Map;
  - (c) The proposed alignment provides a similar degree of connectivity to existing and planned streets. Where a future Primary Street is shown to be direct (including its connection to another Primary Street) it shall remain direct. Where a Primary Street is shown to be circuitous, it shall remain circuitous;
  - (d) When the centerline of the subject Primary Street forms the boundary between land use districts, the boundary of those land use districts may move with the realigned street's centerline provided the change does not:
    - (1) Result in a decrease to the minimum density allowed on the affected site; or
    - (2) Result in an increase to the maximum density allowed on the affected site that is greater than five (5) percent;
  - (e) The proposed alignment maintains the planned functional classification of new and existing streets in the surrounding area; and
  - (f) The proposed alignment continues to comply with requirements of the North Bethany Subarea Plan that are applicable to the existing planned alignment, including but not limited to Areas of Special Concern; Neighborhood Design Elements; the Parks, Trails and Pedestrian Connections Map; and the Special Frontages Map.

\*\*\*

## B. Areas of Special Concern

The following Areas of Special Concern (ASC) apply to those areas in the Subarea Plan that call for special treatment or attention. Each Area of Special Concern is identified on the Area of Special Concern Map in Section VII. Design for each of the ASC Road Corridors shall be consistent with the applicable cross-section concepts included in Section VII, including enhanced landscaping, on-street parking where indicated, and LIDA features.

\*\*\*

## **ASC Road Corridor 2 – NW Kaiser Road from Bethany Creek (which is north of and parallel to NW Springville Road) to Road A**

At the time of the adoption of the North Bethany Subarea Plan, a detailed, specific plan was not developed that integrated density, retail design, corner vision, sight distance, building entrances and orientations, access points and the need for turning movements and on-street parking along NW Kaiser Road. Therefore, prior to preliminary engineering of this section of NW Kaiser Road and development of ~~land located properties~~ within this Area of Special Concern (including portions of lots or parcels), a more detailed Urban Design Plan shall be prepared. The county will develop the Urban Design Plan in conjunction with the design for improvements to NW Kaiser Road. As noted in the Main Street Program Guide, an applicant may develop the Urban Design Plan prior to county initiation of the plan by coordinating with the Long Range Planning ~~Section Division~~ to ensure the plan responds to the North Bethany Main Street Program Guide. The North Bethany Main Street Program Guide contains preliminary commercial programming and design considerations which shall serve as a template for future specific design and development of the area. The commercial program in the Main Street Program Guide is based on the *North Bethany Strategic Programming Guide* (December 2006) prepared by Leland Consulting Group.

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## **ASC 5 – Park Blocks Local Street Circulation and Setbacks**

The Park Blocks ASC includes the Park Blocks and developable residential land to the north and south. The Park Blocks are situated along the top of a ridge that extends in an east-west direction. From this vantage point, views are available to the Tualatin Hills (north and east) and the Tualatin River Valley (south and west). The Park Blocks are centrally located within the Subarea and adjacent to community gathering locations including the two community parks and the North Bethany Main Street area. The shorter east-west block lengths are designed to maximize pedestrian connections to the Park Blocks and associated views from the ridgeline. The following requirements apply in the Park Blocks ASC:

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2. East-west block lengths may be longer than what is shown on the Neighborhood Plan within the following specifications:
  - a. The block lengths along the entire length of the Park Blocks shall be relatively uniform, with a maximum variation of ten (10) percent.
  - b. The north-south block length as shown on the Neighborhood Plan and the Block Perimeter Standards in Section 408-6 shall be met.
  - c. There shall be no fewer than four (4) north-south streets intersecting the Park Blocks between the Waterhouse Powerline Trail Corridor and Kaiser Road. If fewer than five (5) north-south intersecting streets are provided, a minimum of two (2) north-south pedestrian-bicycle accessways shall be provided between the powerline corridor and Kaiser Road. These north-south pedestrian-bicycle accessways shall have be a minimum of ten (10) ~~foot feet in paved~~ width. These accessways shall have a minimum right-of-way width of twenty (20) feet. Instead of right-of-way dedication, the required width may be recorded in a tract or easement. The minimum right-of-way width shall be thirty (30) feet in areas where all of the following conditions are present: The accessway is flanked on both sides by existing or proposed buildings for a distance of more than 300 feet; the separation distance of the buildings on opposite sides of the accessway is less than 70 feet; and the length of the parallel building walls on each side of the accessway equates to 75 percent or more of the >300 foot distance along the accessway. These



north-south accessways shall extend between NW Brugger Road and Road P4, including crossing through the Park Blocks.

The length of continuous fencing along the accessways is limited to a maximum of 300 feet. Continuous fence lines shall contain openings at minimum intervals of 300 feet, and the openings shall be a minimum of 10 feet in width.

The north-south pedestrian-bicycle accessways may exceed 300 feet in length between streets, but shall comply with the other standards of CDC Section 408-9, and shall extend between NW Brugger Road and Road P4, including crossing through the Park Blocks. In the event standards of ASC 5 conflict with a requirement of CDC Section 408-9, the ASC 5 standards shall control.

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6. Development shall provide an east-west pedestrian accessway between the Park Blocks and Primary Street P4. The pedestrian accessway shall be consistent with CDC Section 408-8.2. This accessway may exceed 300 feet in length between streets, but tThe accessway design shall be consistent with the other standards of CDC Section 408-98-9, except if emergency vehicular access is required in conjunction with the accessway. In that instance, design of the pedestrian accessway shall be separated or integrated into a woonerf-type pedestrian street subject to approval by the County Engineer. A woonerf is a street where pedestrians and bicyclists have priority over motorists. Access is shared, not separated, and design supports very low speed limits (5-10 m.p.h.) through the use of curved alignment, alternative paving materials (i.e., pavers, brick, etc.) and colors, and other traffic calming devices such as trees, planters, bollards, parking, and street furniture. In the event standards of ASC 5 conflict with a requirement of CDC Section 408-9, the ASC 5 standards shall control.

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## **Subsection E – North Bethany Main Street Program Guide**

### **Introduction**

This North Bethany Main Street Program Guide (Program Guide) identifies plan and design requirements that are specific to development within the designated 2040 Main Street boundary of the North Bethany Subarea. The Program Guide specifically applies to Area of Special Concern Road Corridor 2 identified in the North Bethany Subarea Plan. See Attachment 1 for a reference map.

The purpose of the Program Guide is to provide guidance for more specific planning of the Main Street commercial area, which is a core design feature of the concept plan for the North Bethany Subarea. Before development of the Main Street Area can begin, a specific Urban Design Plan for the area that addresses the criteria outlined in this Program Guide must be developed. The criteria address important design and operational elements such as density, retail design and format, parking, corner vision, sight distance, building entrances and orientations, access points and the need for turning movements and on-street parking along NW Kaiser Road. Therefore, prior to preliminary engineering of the Main Street section of NW Kaiser Road and prior to development of ~~land located properties~~ land located properties within this Area of Special Concern (including portions of lots or parcels), a more detailed urban design plan shall be prepared in accordance with the requirements of this Program Guide. The preliminary commercial programming mix and size limits outlined in this Program Guide shall serve as a template for future specific design and development of the area. The commercial program in the Main Street Program Guide is based on the *North Bethany Strategic Programming Guide* (December 2006) prepared by Leland Consulting Group.

Prior to the adoption of the Urban Design Plan, the Board may permit development in Area of Special Concern 10 when development is consistent with the requirements of ASC 10 and other applicable requirements of the North Bethany Subarea Plan. ASC 10 was adopted to allow the owner of Tax Lot 800, Tax Map 1N1 17B, to develop Tax Lot 800 under a single development application beginning in 2012.

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## Urban Design Plan

Before an application for development of the Main Street area (or any part of the Main Street area) may be submitted, an Urban Design Plan for the Main Street Area shall be adopted.

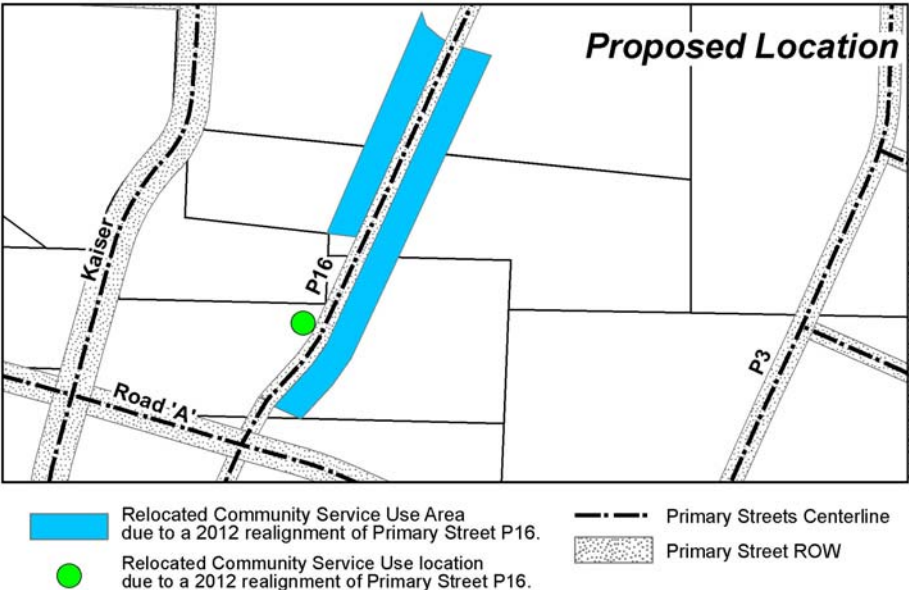
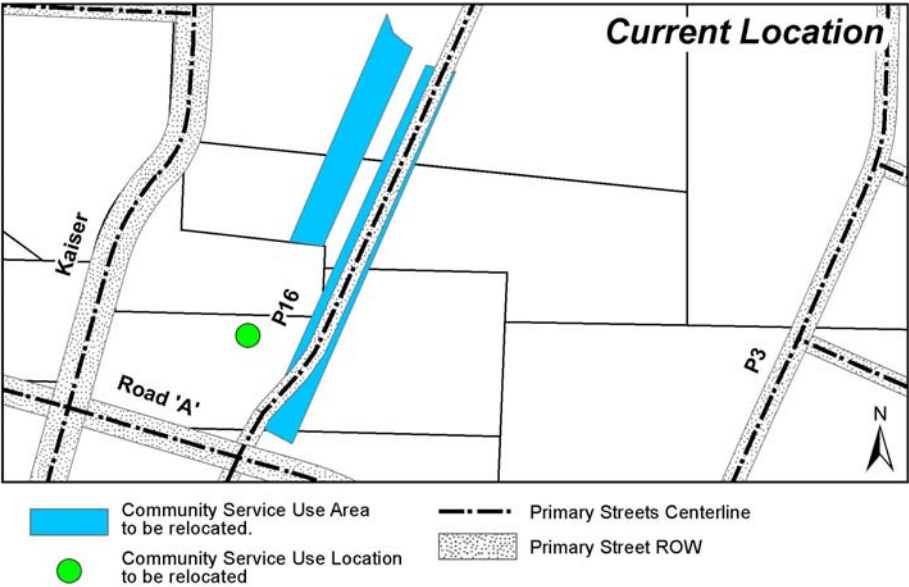
For the purposes of this Program Guide, an Urban Design Plan is defined as a planning effort focused on urban form that is intended to transform the vision for an area into reality. It is usually comprised of equal parts planning, urban design, investment strategy, development and design code, and action items. Since it deals with all the aspects of an area, from public improvements to private development, an urban design plan can bring together property owners, neighboring residents and public infrastructure providers while providing a better understanding and more predictable sense of how new development will be built.

Urban Design Plans are particularly useful for areas where local governments want to target investment, such as centers and corridors, because it brings all the aspects of planning, placemaking and infrastructure improvements together at the same time. Urban Design Plans can serve as the bridge between planning and its translation into a development proposal. Urban design plans can test existing or proposed zoning code provisions by illustrating their character and scale in order to ensure the zoning code text will support desired urban forms. Similarly, their strength at articulating a cohesive vision offers a more flexible implementation of objectives that still meet the vision. This is particularly important if unanticipated market trends occur.

Once developed, an urban design plan can be used to guide infrastructure investments and improvements by other property owners and different departments within the local government and service provider agencies. Involving interests such as THPRD, CWS and LUT's Engineering Division will help inform the design of areas within their control, making design and planning solutions more comprehensive and proposed improvements more likely to be implemented. Internal coordination through the Long Range Planning ~~Section Division~~ can link planning efforts with specific capital projects and funding sources.

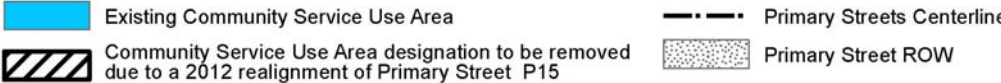
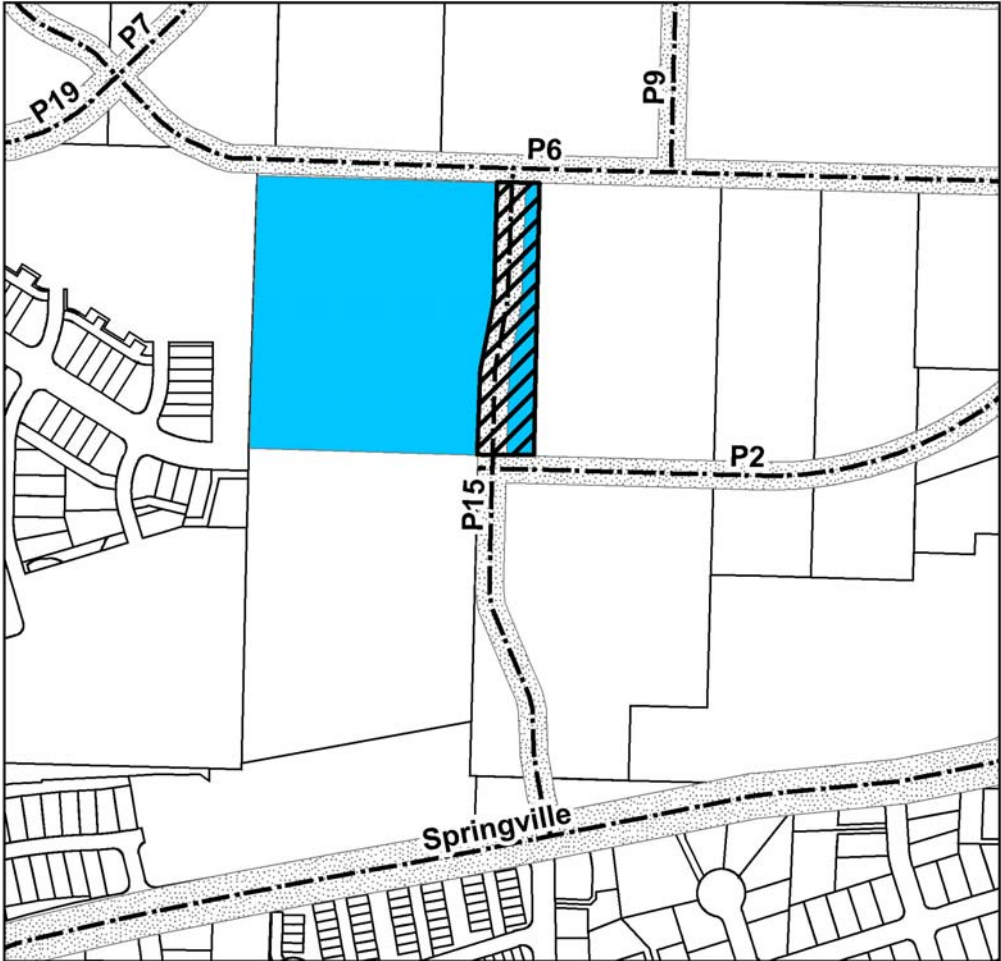
Rename the *Community Services Use Location* map in the Bethany Community Plan, Chapter 2, to the *Community Service Use* map, and make the amendments shown below:

1) Road P16



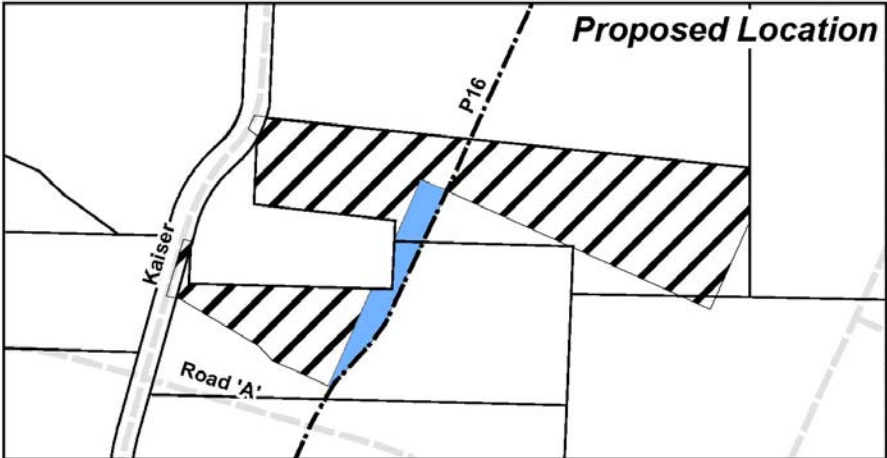
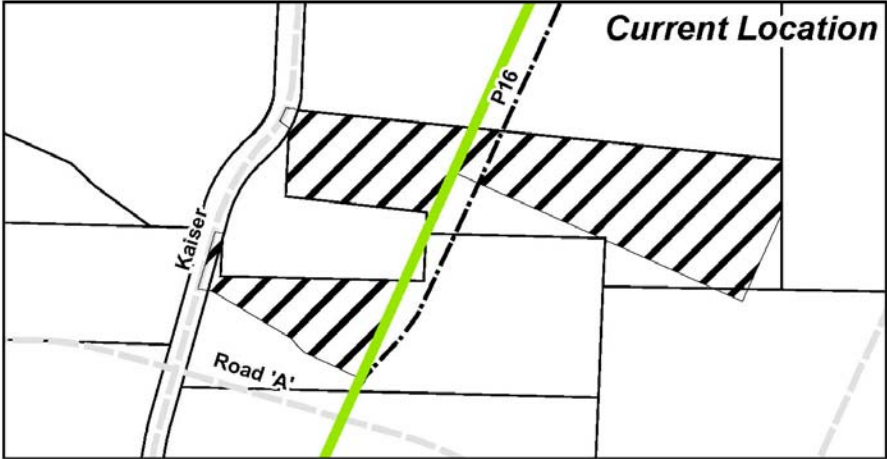
~~abc~~def Proposed additions  
~~abc~~def Proposed deletions

2) Road P15



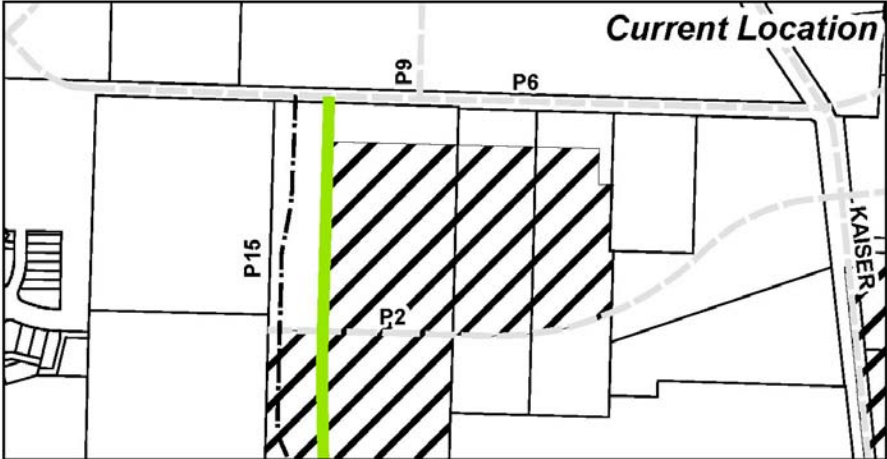
The following amendments are made to the *Areas Eligible for a Density Bonus in the R-6 NB District* map of the Bethany Community Plan, Chapter 2:

1) Road P16

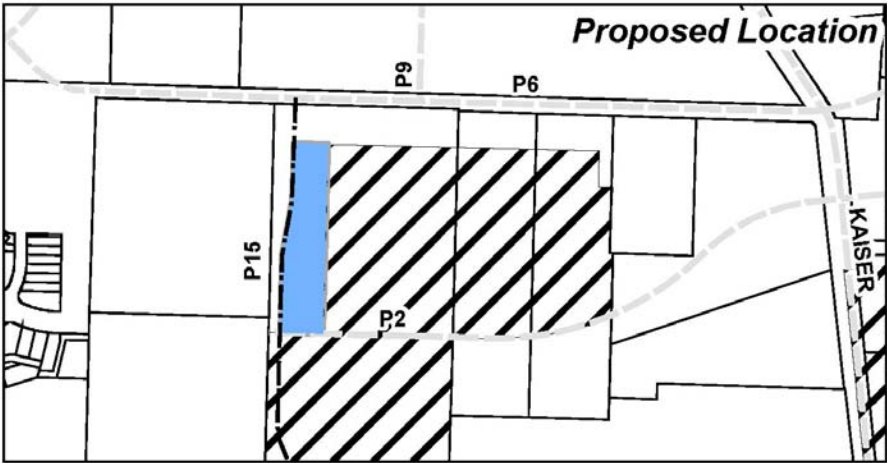


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~~abc~~def Proposed deletions

2) Road P15



- Former alignment of P15
- 2012 Realignment of P15
- Unchanged Primary Streets
- Unchanged Density Bonus Areas



- 2012 Realignment of P15
- Unchanged Primary Streets
- Area to be added as Areas Eligible for a Density Bonus in the R-6 NB District
- Unchanged Density Bonus Areas



~~abcdef~~ Proposed additions  
~~abcdef~~ Proposed deletions

**1. Community Development Code Section 390, NORTH BETHANY SUBAREA OVERLAY DISTRICT, of Article III, Land Use Districts, is amended to reflect the following:**

**390 NORTH BETHANY SUBAREA OVERLAY DISTRICT**

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**390-6 Prohibited Uses**

- 390-6.1 The following structures and uses are prohibited in all residential districts in the North Bethany Subarea.
- A. Structures or uses not specifically authorized by Section 390.
  - B. The use of a recreational vehicle as a residence except where specifically authorized under Section 390.
  - C. Any parking or storage of tractor trailers, semi-trucks, or heavy equipment, not including farm equipment or logging trucks used in conjunction with a farm or forest use.
  - D. The outdoor parking or storage of any five (5) or more operable vehicles on a single lot or parcel for more than forty-eight (48) hours, except as approved in conjunction with a development.
  - E. Keeping of fowl for sale, keeping of swine (except for up to three (3) purebred potbelly pigs as household pets and not for breeding purposes) or operating a feed lot.
  - F. The location of service facilities such as high schools, hospitals, nursing homes, public assembly and high density residential development in airport approach zones. Location of these facilities shall be avoided within any existing (June, 1983) airport year 2000 LDN fifty-five (55) contour.
  - G. Mounting a communication tower or antenna that is not a permitted accessory use on a detached dwelling.
  - H. Mounting an antenna that is not a permitted accessory use on a communication tower that is accessory to a detached dwelling.
  - I. Auto wrecking yards.
  - J. Electrical substations.

- 390-6.2 The following structures and uses are prohibited in all non-residential districts in the North Bethany Subarea.
- A. Structures or uses not specifically authorized by Section 390.
  - B. The use of a manufactured dwelling, except as provided in Sections 430-135.1 A. – Temporary Uses and 430-1.2 – Accessory Use.
  - C. New residential uses except as provided in Sections 311-3.6 and 311-3.16.
  - D. The location of service facilities such as high schools, hospitals, nursing homes, public assembly and high density residential development in airport approach zones. Location of these facilities shall be avoided within any existing (June, 1983) airport year 2000 LDN fifty-five (55) contour.
  - E. Auto wrecking yards.
  - F. Electrical substations.

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**390-8 R-6 North Bethany District (R-6 NB)**

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390-8.3 Uses Permitted Through a Type II Procedure

The following uses may be permitted subject to the specific standards set forth below and in applicable Special Use Sections of Section 390-16 and Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

- A. Attached Dwelling Unit - Section 390-16.2.
- B. Cluster Housing - Section 390-27.
- C. Flag Lot – Section 430-45.
- D. Home Occupation – Section 430-63.2.
- E. Manufactured Dwelling Park – Section 430-77.
- F. Manufactured Dwelling Subdivision – Section 430-79.
- G. Community Service Uses in Residential Land Use Districts – Section 390-16.4.A.
- H. Construction of Public Transportation Facilities not otherwise authorized by Article VII.



- I. Co-located antennas, not otherwise allowed through a Type I Procedure – Section 430-109.
- J. Detached Dwelling Unit on an existing lot or parcel with a buildable area greater than thirteen thousand one hundred (13,100) square feet – Section 430-37.1 B.
- K. Manufactured Home on an existing lot or parcel with a buildable area greater than thirteen thousand one hundred (13,100) square feet – Section 430-76 and Section 430-37.1 B. (1–3).
- L. Regional Stormwater Facility, as required by Clean Water Services – Section 390-16.14 (Public Facilities – North Bethany).
- ~~LM.~~ Single-Family Accessory Dwelling Unit – Section 430-117.1.
- ~~MN.~~ Tree removal in areas identified in the applicable Community Plan as Significant Natural Resources, subject to Section 407-3.
- ~~NO.~~ Uses Accessory and Incidental to a Residential Development provided for the service and convenience of the residents, including clubhouse, meeting hall, recreation center, gymnasium, and indoor swimming pool.
- ~~OP.~~ Zero Lot Line Development – Section 430-147.

390-8.4 Uses Which May Be Permitted Through a Type III Procedure

The following uses may be permitted subject to the specific standards set forth below, the standards of Section 390-21, and in applicable Special Use Sections of Section 390-16 and Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

- A. Boarding House, including a Bed & Breakfast in an existing dwelling – Section 430-9.
- B. Community Service Uses in Residential Land Use Districts – Section 390-16.4.B.
- C. Public Utilities – North Bethany (except for Regional Stormwater Facilities, as required by Clean Water Services) – Section 390-16.14.

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**390-9 R-9 North Bethany District (R-9 NB)**

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390-9.3 Uses Permitted Through a Type II Procedure

The following uses may be permitted subject to the specific standards set forth below and in applicable Special Use Sections of Section 390-16 and Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

- A. Attached Dwelling Units – Section 390-16.2.
- B. Cluster Housing - Section 390-27.
- C. Co-located antennas, not otherwise allowed through a Type I Procedure – Section 430-109.
- D. Community Service Uses in Residential Land Use Districts – Section 390-16.4.A.
- E. Construction of Public Transportation Facilities not otherwise authorized by Article VII.
- F. Detached Dwelling Unit, not otherwise permitted by Section 390-9.2 – Section 430-37.1 B.
- G. Flag Lot – Section 430-45.
- H. Group Care – Sections 430-53.3 and 430-53.5.
- I. Home Occupation – Section 430-63.2.
- J. Manufactured Dwelling Park – Section 430-77.
- K. Manufactured Dwelling Subdivision – Section 430-79.
- L. Manufactured Home, not otherwise permitted by Section 304-2.8 – Section 430-76 and Section 430-37.1 B. (1-3).
- M. Regional Stormwater Facility, as required by Clean Water Services – Section 390-16.14 (Public Facilities – North Bethany).
- NM. Tree removal in areas identified in the applicable Community Plan as Significant Natural Resources, subject to Section 407-3.

ON. Uses Accessory and Incidental to a Residential Development provided for the service and convenience of the residents, including clubhouse, meeting hall, recreation center, gymnasium, and indoor swimming pool.

PO. Zero Lot Line Development – Section 430-147.

390-9.4 Uses Which May be Permitted Through a Type III Procedure

The following uses may be permitted subject to the specific standards set forth below, the standards of Section 390-21, and in applicable Special Use Sections of Section 390-16 and Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

- A. Boarding House, including a Bed & Breakfast in an existing dwelling – Section 430-19.
- B. Community Service Uses in Residential Land Use Districts – Section 390-16.4.B.
- C. Public Utilities – North Bethany (except for Regional Stormwater Facilities, as required by Clean Water Services) – Section 390-16.14.

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**390-10 R-15 North Bethany District (R-15 NB)**

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390-10.3 Uses Permitted Through a Type II Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 390-16 and Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

- A. Attached Dwelling Units - Section 390-16.2.
- B. Cluster Housing - Section 390-27.
- C. Co-located antennas, not otherwise allowed through a Type I Procedure – Section 430-109.
- D. Community Service Uses in Residential Land Use Districts – Section 390-16.4.A.
- E. Construction of Public Transportation Facilities not otherwise authorized by Article VII.

F. Group Care – Section 430-53.3 and 430-53.5.

G. Home Occupation – Section 430-63.2.

H. Regional Stormwater Facility, as required by Clean Water Services – Section 390-16.14 (Public Facilities – North Bethany).

I.H. Tree removal in areas identified in the applicable Community Plan as Significant Natural Resources, subject to Section 407-3.

J.I. Uses Accessory and Incidental to a Residential Development provided for the service and convenience of the residents, including clubhouse, meeting hall, recreation center, gymnasium, and indoor swimming pool.

#### 390-10.4 Uses Which May Be Permitted Through a Type III Procedure

The following uses may be permitted subject to the specific standards set forth below, the standards of Section 390-21, and in applicable Special Use Sections of Section 390-16 and Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

A. Boarding House, including a Bed and Breakfast in an existing dwelling – Section 430-19.

B. Community Service Uses in Residential Land Use Districts – Section 390-16.4.B.

C. Group Care – Section 430-53.1 and 430-53.4.

D. Detached dwelling units – Section 390-17.8.

E. Public Utilities – North Bethany (except for Regional Stormwater Facilities, as required by Clean Water Services) – Section 390-16.14.

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#### **390-11 R-24 North Bethany District (R-24 NB)**

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#### 390-11.3 Uses Permitted Through a Type II Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 390 and Section 430, as well as the general standards for the District, the Development Standards of Article VI and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

- A. Attached Dwelling Units - Section 390-16.2.
- B. Co-located antennas, not otherwise allowed through a Type I Procedure – Section 430-109.3.
- C. Community Service Uses in Residential Land Use Districts – Section 390-16.4.A.
- D. Construction of Public Transportation Facilities not otherwise authorized by Article VII.
- E. Group Care – Sections 430-53.3 and 430-53.5.
- F. Home Occupation – Section 430-63.2.
- G. Regional Stormwater Facility, as required by Clean Water Services – Section 390-16.14 (Public Facilities – North Bethany).
- H. Tree removal in areas identified in the applicable Community Plan as Significant Natural Resources, subject to Section 407-3.
- I. Uses Accessory and Incidental to a Residential Development provided for the service and convenience of the residents, including clubhouse, meeting hall, recreation center, gymnasium, and indoor swimming pool.
- J. Live / Work Housing – Section 390-16.7.

390-11.4 Uses Which May Be Permitted Through a Type III Procedure

The following uses may be permitted subject to the specific standards set forth below, the standards of Section 390-21, and in applicable Special Use Sections of Section 390-16 and Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

- A. Group Care – Section 430-53.1 and 430-53.4.
- B. Community Service Uses in Residential Land Use Districts – Section 390-16.4.B.
- C. Public Utilities – North Bethany (except for Regional Stormwater Facilities, as required by Clean Water Services) – Section 390-16.14.

**390-12 R-25+ North Bethany District (R-25+ NB)**

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390-12.3 Uses Permitted Through a Type II Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 390-16 and Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

- A. Attached Dwelling Units – Multi-Family (limited to attached multi-family residential, e.g., apartments, condominiums, senior housing).
- B. Co-located antennas, not otherwise allowed through a Type I Procedure – Section 430-109.
- C. Community Service Uses in Residential Land Use Districts – Section 390-16.4.A.
- D. Construction of Public Transportation Facilities not otherwise authorized by Article VII.
- E. Group Care – Section 430-53.3 and 430-53.5.
- F. Home Occupation – Section 430-63.2.
- G. Live / Work Housing – Section 390-16.7.
- H. Regional Stormwater Facility, as required by Clean Water Services – Section 390-16.14 (Public Facilities – North Bethany).
- I. Tree removal in areas identified in the applicable Community Plan as Significant Natural Resources, subject to Section 407-3.
- J. Uses Accessory and Incidental to a Residential Development provided for the service and convenience of the residents, including clubhouse, meeting hall, recreation center, gymnasium, and indoor swimming pool.

390-12.4 Uses Which May Be Permitted Through a Type III Procedure

The following uses may be permitted subject to the specific standards set forth below, the standards of Section 390-21, and in applicable Special Use Sections of Section 390-16 and Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

- A. Community Service Uses in Residential Land Use Districts – Section 390-16.4.B.

B. Group Care – Section 430-53.1 and 430-53.4.

C. Public Utilities – North Bethany (except for Regional Stormwater Facilities, as required by Clean Water Services) – Section 390-16.14.

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**390-13 Neighborhood Corner Commercial District (NCC NB)**

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**390-13.3 Uses Permitted Through a Type II Procedure**

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 390-16 and Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

- A. Co-located antennas, not otherwise allowed through a Type I Procedure – Section 430-109.
- B. Commercial School – Section 390-16.3.
- C. Communication Towers greater than one hundred (100) feet – Section 430-109.
- D. Farmers' Market with no new permanent structures – Section 390-16.6.
- E. Construction of Public Transportation Facilities not otherwise authorized by Article VII.
- F. Convenience Grocery - with a maximum gross floor area of three thousand five hundred (3500) square feet - Section 430-35.
- G. Day Care Facility – Section 390-16.5.
- H. Dwelling units, provided:
  - (1) They are located on the upper floor(s) of the building (i.e., not developed as a stand alone use);
  - (2) The ground floor is used for non-residential uses; and
  - (3) Maximum density of fifteen (15) units per gross acre.
- I. Eating and Drinking Establishments with a maximum gross floor area of three thousand five hundred (3500) square feet.

- J. Financial institutions, such as banks, insurance agents, and real estate offices - with a maximum gross floor area of three thousand five hundred (3500) square feet per use.
- K. Nursery School – Section 390-16.9.
- L. Personal service uses such as laundry, dry cleaners, barber and beauty shop, shoe repair, photographic studios - with a maximum gross floor area of three thousand five hundred (3500) square feet per use.
- M. Professional office uses, including medical offices, and veterinary clinics which do not include boarding facilities other than indoor boarding for immediate, critical care – with a maximum gross floor area of three thousand five hundred (3500) square feet per use.
- N. Retail businesses, such as variety, hardware, drug, dry goods, clothing, photography, hobby and similar retail uses as well as eating and drinking establishments – with a maximum gross floor area of three thousand five hundred (3500) square feet per use.
- O. Regional Stormwater Facility, as required by Clean Water Services – Section 390-16.14 (Public Facilities – North Bethany).
- P. Service station, including a car wash – Section 390-16.12.
- QP. Tree removal in areas identified in the applicable Community Plan as Significant Natural Resources, subject to Section 407-3.

390-13.4 Uses Which May Be Permitted Through a Type III Procedure

The following uses may be permitted subject to the specific standards set forth below, the standards of Section 390-21, and in applicable Special Use sections of Section 390-16 and Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

- A. Public Utilities – North Bethany (except for Regional Stormwater Facilities, as required by Clean Water Services) – Section 390-16.14.

390-13.5 Dimensional Requirements

- A. Lot Area:

The minimum lot area shall be eight thousand five hundred (8500) square feet.

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**390-14 Neighborhood Commercial Mixed Use District (NCMU NB)**



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390-14.3 Uses Permitted Through a Type II Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 390 and Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

- A. Community Service Use, limited to a Farmers' Market with no new permanent structures – Section 390-16.6.
- B. Co-located antennas, not otherwise allowed through a Type I Procedure – Section 430-109.
- C. Commercial School, such as vocational, music, dance, martial arts, when developed as part of a mixed-use development – Section 390-16.9.
- D. Communication Towers greater than one hundred (100) feet in height – Section 430-109.
- E. Construction of Public Transportation Facilities not otherwise authorized by Article VII.
- F. Day Care Facility, when developed as part of a mixed-use development – Section 390-16.5.
- G. Dwelling units, including accessory and incidental uses, such as indoor recreational amenities, provided:
  - (1) They are located on the upper floor(s) of the building;
  - (2) The ground floor is used for non-residential uses; and
  - (3) Maximum density of twenty-five (25) units per gross acre.
- H. Eating and Drinking Establishments.
- I. Financial institutions, such as banks, insurance agents, and real estate offices.
- J. Food Market – not to exceed twenty-five thousand (25,000) square feet.
- K. Live / Work Housing – Section 390-16.5.
- L. Nursery School, when developed as part of a mixed-use development – Section 390-16.9.

- M. Personal Service Establishments such as laundry, dry cleaners, barber and beauty shop, shoe repair, photographic studios.
- N. Professional office uses, including medical offices, and veterinary offices which do not include boarding facilities other than indoor boarding for immediate, critical care.
- O. Public Building – Section 430-103.
- P. Regional Stormwater Facility, as required by Clean Water Services – Section 390-16.14 (Public Facilities – North Bethany).
- Q. Retail businesses, such as variety, hardware, dry goods, clothing, photography, hobby, automotive parts stores, and similar retail uses.
- RQ. Service Businesses for services such as photocopying, duplicating, addressing, drafting, blue printing, photocopying, stenographic and notary public like services, shoe repair, and photographic studios.
- SR. Special Recreation Use, when developed as part of a mixed-use development and not to exceed 24,000 square feet in size.
- TS. Tree removal in areas identified in the applicable Community Plan as Significant Natural Resources, subject to Section 407-3.

390-14.4 Uses Which May Be Permitted Through a Type III Procedure

The following uses may be permitted subject to the specific standards set forth below, the standards of Section 390-21, and in applicable Special Use sections of Section 390-16 and Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

- A. Public Utilities – North Bethany (except for Regional Stormwater Facilities, as required by Clean Water Services) – Section 390-16.14.

390-14.5 Dimensional Requirements

The dimensional standards for this district will be developed as part of the implementation of the North Bethany Main Street Program Guide.

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**390-15 Institutional North Bethany District (INST NB)**

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390-15.3 Uses Permitted Through a Type II Procedure

The following uses are permitted subject to the specific standards for the use set forth below and in applicable Special Use Sections of Section 390-16 and Section 430, as well as the general standards for the District, the Development Standards of Article IV, and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

- A. Communication Tower greater than one hundred (100) feet in height – Section 430-109.
- B. Construction of Public Transportation Facility not otherwise authorized by Article VII.
- C. Expansion of an existing Institutional use which does not meet the criteria of Section 390-15.2 B., above.
- D. Park - Section 430-97.2.
- E. Regional Stormwater Facility, as required by Clean Water Services – Section 390-16.14 (Public Facilities – North Bethany).
- F. Tree removal in areas identified in the applicable Community Plan as Significant Natural Resources, subject to Section 407-3.
- GF. Day Care Facility – Section 390-16.5.

#### 390-15.4 Uses Which May be Permitted Through a Type III Procedure

The following uses may be permitted subject to the specific standards set forth below, the standards of Section 390-21, and in applicable Special Use Sections of Section 390-16 and Section 430, as well as the general standards for the District, the Development Standards of Article IV and all other applicable standards of the Code. Approval may be further conditioned by the Review Authority pursuant to Section 207-5.

- A. Cemetery – Section 430-27.
- B. Church – Section 390-16.1.
- C. Nursery (Pre-School) – Section 390-16.9.
- D. Public Building limited to fire station, library, and other uses accessory to the primary use (e.g., community meeting room[s] – Section 390-16.10.
- E. School – Section 390-16.11.
- F. Park and Ride Facility – new facilities; see Section 430-89.

G. Public Utilities – North Bethany (except for Regional Stormwater Facilities, as required by Clean Water Services) – Section 390-16.14.

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**390-16 Special Use Standards**

In addition to the requirements of Section 390 and Sections 400 through 429, the following standards are provided for specific uses.

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390-16.14 Public Utilities - North Bethany

Any corporation, including municipal or semi-municipal corporation, service district, company, individual or association that owns or operates any plant or equipment for any of the following: conveyance of telephone communications to residences or other entities; the transportation of water or natural gas by pipeline to residences or other entities; for the production, transmission, delivery or furnishing of heat, light, water, or electricity to residences or other entities (with the exception of electrical substations, which are prohibited in North Bethany); for the transmission and delivery of video pictures and sound by cables or conduit to residences or other entities; for the transportation of persons or property by street, rail or other street transportation or common carriers; for the disposal of sewage; for regional stormwater facilities; or for the disposal of storm water runoff.

A. A public utility service center includes any buildings or premises used for the administration of public utility repair, maintenance and installation crews including parking for vehicles, but not including warehouses or storage yards.

B. A public utility service yard includes any buildings or premises used for the office, warehouse, storage yard, or maintenance garage of a public utility including microwave repeater stations when incorporated as part of the service yard use.

C. A public utility service facility includes buildings, structures, and equipment within a fenced or otherwise enclosed area for the purpose of switching, regulating or controlling public utility services.

D. Approval of a public utility shall be based upon a study submitted by the applicant which includes:

(1) The need for the facility, present or future; and how the facility fits into the utility's Master Plan; and

(2) The minimum area required for the facility for the present and anticipated expansion.

(3) What measures will be used to minimize damage to paved roads and natural resources or open space.

E. Site size and yard shall be based upon a site plan submitted by the applicant. The site plan shall consider especially, the compatibility of the facility with existing surrounding uses and uses allowed by the plan designation.

F. Buildings primarily intended to house utility equipment (e.g., pump stations) are exempt from the standards in Section 390-20 (Building Design and Variety) regarding window trim, ground floor windows, and maximum limits on the use of concrete or split-face concrete masonry unit (CMU) on upper facades.

G. All Public Utilities are subject to Section 390-21 (Review Criteria for Type III Uses), which allows the Review Authority to impose specific conditions of approval to ensure that the proposed Public Utility is compatible with adjacent existing or future uses and/or to mitigate adverse impacts.

H. Exemptions from the Requirements of Section 390-16.14:

(1) Underground pipes and conduits except where such pipes or conduits would introduce an urban service outside the Urban Growth Boundary.

For all sewer lines, there shall be no connections to the line unless approved pursuant to Section 430-105.7.

Individual hookups to community, private or public water systems;

(2) Above ground electric transmission, distribution, communication and signal lines on a single pole system where a single pole system is defined as above ground electrical lines and their supporting concrete, wood or metal poles, but does not include self-supporting steel lattice-type structures;

(3) Above-ground equipment that is accessory to underground water, stormwater, and sanitary sewer lines, and does not exceed eight (8) square feet in area and four (4) feet in height (e.g., fire hydrant, water sample station, enclosure for backflow prevention assembly);

(4) Public utility facilities in the form of receiving and transmitting antennas and communication towers. These uses are subject to the applicable provisions of Section 430-109; and

## **390-17 North Bethany Planned Development Standards**

### **390-17.1 Intent and Purpose**

The purpose of the Planned Development standards in the North Bethany Subarea is to provide flexibility in standards and the location of permitted uses and increased density while ensuring the integrity of the North Bethany Subarea Plan. In exchange, Planned Developments are required to use innovative design and provide private or

public open space or other site / building amenities. Planned Developments that propose a density bonus are required to provide Work Force Housing in exchange for the density bonus. The Planned Development standards in Section 404-4 are not applicable to the North Bethany Subarea.

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### 390-17.3 Type II Planned Development

The following types of development shall be reviewed as a Type II Planned Development:

- A. Moving the centerline of a Primary Street no more than seventy-five (75) feet when meeting the requirements of ~~as described in~~ General Design Element 10 of the North Bethany Subarea Plan;
- B. Modifying the development standards described in Section 390-17.9;
- C. Relocating the Primary Districts, as designated by the Community Plan for the subject site, within the boundaries of the proposed Planned Development; or
- D. Providing cluster housing, that does not include a density bonus.

### 390-17.4 Type III Planned Development

The following types of development shall be reviewed as a Type III Planned Development:

- A. Moving the centerline of a Primary Street more than seventy-five (75) feet when meeting the requirements of General Design Element 10 of the North Bethany Subarea Plan;
- B. Moving the boundary of a land use designation in conjunction with moving the centerline of a Primary Street when meeting the requirements of ~~as described in~~ General Design Element 10 of the North Bethany Subarea Plan; ~~or~~
- CB. Providing a density bonus in the following land use districts as described in each applicable district: R-6 NB, R-9 NB, R-15 NB, and R-25+ NB Districts; ~~or~~
- DC. Selecting the superior building and site design and construction option for a Planned Development to adjust development standards, relocate land use districts, or move the centerline of a Primary Street; ~~or, or to provide increased densities.~~
- ED. Detached dwelling units in the R-15 NB District.

### 390-17.5 Planned Development Review Requirements

Modifications to development standards, relocating land use districts, moving the centerline of a Primary Street, and providing increased densities may be approved through a Type II or Type III Planned Development when the following requirements are met:

- A. Only those uses allowed within the Primary District are permitted.
- B. Work Force Housing shall be provided in accordance with the standards of Section 390-17.11 in exchange for a density bonus that is permitted by the Primary District.

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### **390-18 Density Restricted Lands**

#### **390-18.1 Intent and Purpose**

Density Restricted Lands are intended to implement the policies of the Comprehensive Plan and North Bethany Subarea Plan by identifying areas in North Bethany where a more detailed level of analysis has been conducted through the planning process to identify areas not planned for residential development.

Section 390-18 refers to the corresponding Density Restricted Lands Map in the North Bethany Subarea Plan. The purpose of identifying Density Restricted Lands is to identify lands in North Bethany where density for future residential development has not been provided pursuant to standards under Title 11 of Metro's Urban Growth Management Functional Plan.

Density Restricted Lands are comprised of those areas where development is otherwise limited under applicable regulations, such as significant wetlands (Water Areas and Wetlands, per Section 422), water quality buffer areas (CWS vegetated corridors), floodplains (FEMA 100-year floodplain, per Section 421), drainage hazard areas (per Section 421), parks and open spaces (per the Significant Natural and Cultural Resources map), and slopes greater than twenty-five (25) percent (per Section 410). In many cases these different categories of restricted areas overlap with one another.

### 390-18.2 Density Restricted Lands Designation

The boundaries of the Density Restricted Lands designation are defined as concurrent with the edge of the combined restricted area, represented by a composite of the various areas of applicability as defined in this Section. The Community Plan map depiction of Density Restricted Lands is based on best available information at the time of adoption, including a Local Wetland Inventory completed in February 2010. For some features, such as Drainage Hazard Areas, specific boundaries have not yet been determined.

Precise boundaries for Density Restricted Lands may be refined by specific site analysis, such as survey and wetland delineation, provided all applicable land categories are addressed. It is anticipated that more accurate, site-specific boundary data will be provided as part of a development application and that this more accurate information will be used to identify the delineated extent of the Density Restricted Lands designation on a given site. Community Plan maps may be periodically updated by the County to reflect any more accurate data that has been approved through development review.

### 390-18.3 Applicability

The Density Restricted Lands designation applies to land categories with known regulatory limitations on development. These include:

- A. Significant Natural and Cultural Resource Areas (Open Space, Water Areas and Wetlands, Water Areas and Wetlands & Fish and Wildlife Habitat);
- B. Vegetated Corridors associated with Water Quality Sensitive Areas (pursuant to Clean Water Services "Design and Construction Standards for Sanitary Sewer and Surface Water Management" or its successor);
- C. Floodplain and Drainage Hazard Areas (per Section 421), and
- D. Slopes greater than twenty-five (25) percent (per Section 410).

### 390-18.4 Permitted Development

- A. Permitted uses are subject to applicable land use designation(s) and applicable regulations in the Community Plan, Community Development Code, and/or Clean Water Services "Design and Construction Standards for Sanitary Sewer and Surface Water Management" or its successor. In cases of over-lapping regulation, the most restrictive shall dictate.
- B. For slopes greater than twenty-five (25) percent that are located outside of the Natural Features Buffer shown on the Urban / Rural Edge Map of the North Bethany Subarea Plan, development may be permitted if all CDC requirements are met, including the applicable requirements of CDC Section 410.



C. For slopes greater than twenty-five (25) percent that are located within the Natural Features Buffer shown on the Urban / Rural Edge Map of the North Bethany Subarea Plan, Residential development ~~may be~~ is permitted at the top of pre-existing slopes greater than twenty-five percent (>25% slope) when the following standards are met:

- (1) The proposed development location does not conflict with trail locations designated by the Park, Trails and Pedestrian Connections Map of the North Bethany Subarea Plan.
- (2) The proposed development complies with all CDC requirements, including the applicable requirements of CDC Section 410.
- (3) Development may include a row of dwellings at the top of a >25% slope area. (See the applicable Neighborhood Plans in the North Bethany Subarea Plan ~~Community Plan~~ for a depiction of these areas.)
- (~~4~~2) The required minimum rear or side yard may be located in a >25% slope area.
- (~~5~~3) Alterations to the top of pre-existing slopes >25% slope are permitted to allow construction of dwellings provided all construction is properly engineered, as determined by the Building Official. Building techniques may include the use of stepped foundations, retaining walls and fill.
- (~~6~~4) No grading, excavation, clearing or filling of any kind is permitted until final approval of the development application and a grading plan is approved by the Building Official.
- (~~7~~5) The remaining portion of the density restricted land area shall be placed in a tract and owned and maintained consistent with the standards of Sections 405-4 and 405-5 (ownership and maintenance of open space areas).

DG. Alterations to the top of a >25% slope ~~may be~~ are permitted to allow the construction of a trail and accessory viewing areas, provided that the development complies with the applicable requirements of CDC Section 410 and all construction is properly engineered, as determined by the Building Official. No grading, excavation, clearing or filling of any kind is permitted until final approval of the development application and a grading plan is approved by the Building Official.

### 390-18.5 Prohibited Uses

Notwithstanding Section 390-18.4, the following uses are prohibited on Density Restricted Lands:

- A. Density transfers – Section 300-3.
- B. Development or alteration of slopes greater than twenty-five percent (>25% slope) located within the Natural Features Buffer shown on the Urban / Rural

Edge Map of the North Bethany Subarea Plan, except as permitted by Section 390-18.4.

390-18.6 Standards for Adjusting the Density Restricted Lands Map

The Density Restricted Lands Map in the Community Plan is based on best available information at the time of adoption. The mapped boundary of Density Restricted Lands may be refined as more accurate data is approved through development review, and as future Open Space areas are determined (e.g., Neighborhood Parks).

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**390-19 Urban/Rural Edge Standards**

390-19.1 Intent and Purpose

The urban/rural edge standards are provided to comply with Metro Ordinance No. 02-987A, Condition 6. Section 390-19 refers to the corresponding Urban/Rural Edge Map in the North Bethany Subarea Plan.

390-19.2 General Requirements:

- A. Street stubs and/or driveways are prohibited at all North Bethany boundaries that abut rural lands with Rural Reserves designations. In the circumstance where a pre-existing access easement or agreement to provide access was recorded prior to January 1, 2009, one private street stub or driveway access will be allowed.

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**390-20 Building Design and Variety**

390-20.2 Applicability

- A. The standards of this Section are applicable to development in all of the North Bethany Subarea land use districts, with the following exceptions:
  - (1) Residential development in the R-6 North Bethany District (R-6 NB) is exempt from the standards of this Section; and
  - (2) Non-residential development in the Institutional District (~~INS~~) (INST) that is more than fifty (50) feet from any public street is exempt from the standards of this Section.

\*\*\*

**390-21 Review Criteria for Type III Uses**

390-21.1 Intent and Purpose

The planning process to develop the North Bethany Subarea Plan identified the location of the majority of future public and private Type III uses (e.g., public schools, a fire station, a church). Since the Subarea Plan, with its implementing land use districts, specifies the types and locations of the majority of needed Type III uses, these uses are presumed to be appropriate uses, subject to these uses being developed in a manner:

- A. That makes the Type III uses compatible with existing and future adjacent ~~residential~~ uses; and
- B. That mitigates adverse impacts, if any, to existing and future adjacent uses.

The intent of this Section is to provide standards for review of Type III uses in the North Bethany Subarea in lieu of Section 403-3.1's Type III denial criteria that is applicable outside of the North Bethany Subarea. Application of Section 390-21 is intended to ensure that, to the extent practicable, 1) adverse impacts from a Type III use on existing or future adjacent ~~residential~~ uses are mitigated; and 2) the Type III use will be compatible with existing or future adjacent ~~residential~~ uses.

Application of the requirements of this Section implements the intent and purpose of this Section through a Type III review process that emphasizes building orientation and height, building materials, privacy, buffering, and access; and provides an opportunity for nearby property owners and residents to testify about the proposed development at a public hearing.

Application of the requirements of this Section shall not preclude approval of the Type III use.

#### 390-21.2 Applicability

The requirements of this Section shall apply to all Type III uses in the North Bethany Subarea. This Section does not apply to Type I or Type II uses reviewed through the Type III procedure.

#### 390-21.3 Type III uses shall meet the following:

- A. Consider the location of access and parking for the proposed use in relationship to existing or future adjacent ~~residential~~ uses;
- B. Buildings and building openings (e.g., windows, doors) shall be located and oriented to provide maximum privacy to surrounding existing and future ~~residential~~ structures;
- C. Maintain the setback requirements of the primary district unless the Review Authority determines that it is necessary to modify the setbacks to provide more privacy to existing and proposed structures; and

D. Landscaping and fencing may be required (in addition to requirements of Section 390-16 or Section 430) to maintain the privacy of existing and proposed dwellings on adjacent properties.

390-21.4 The Review Authority may impose specific conditions of approval to ensure that the development is compatible with adjacent existing or future ~~residential~~ uses and/or to mitigate adverse impacts. Conditions of approval may include but are not limited to:

- A. Require increased setbacks;
- B. Require landscape buffers;
- C. Change the location or orientation of buildings, the location of building openings, and the location of the access and parking;
- D. Change the type or color of proposed exterior building materials;
- E. Reduce the maximum allowed building height;
- F. Reduce the maximum square footage and height of signs; and
- G. Limit the use of outside public address systems.

390-21.5 Submittal Requirements

In addition to all other submittal requirements, applications shall include:

- A. A plan of complete development of the subject property and existing or potential development of adjacent vacant parcels, including the distance between the proposed structures on the subject property and existing or future ~~dwelling units~~ structures on adjacent parcels;
- B. A site plan showing locations and setbacks of each structure and other on-site improvements, such as parking, ball fields and playgrounds; and
- C. A screening and buffering plan showing all existing landscaping and buffering and any additional landscaping and buffering, including fencing, needed to maintain the privacy of existing ~~dwellings~~ structures on adjacent parcels.

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### **390-27 Cluster Housing**

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390-27.1 Cottage Housing

Cottage Housing is a grouping of no less than four (4) and no more than twelve (12) detached single-family dwellings and/or single family attached dwelling units that are oriented around a common open space. Each group of cottages is called a cluster.

Buildings with attached dwelling units shall have no more than two (2) units in a building. Accessory Dwelling Units are permitted only when they are built as part of the initial development.

Cottage Housing may be provided when the following standards are met.

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G. Parking and Vehicular Access

- (1) Off-street parking shall be located in shared surface parking areas or garages, including attached or detached garages. The design of off-street parking areas shall meet the standards of Code Section 413. Vehicular access to the site and parking area(s), including the internal access from the public street, shall meet the standards of Section 413.
- (2) Shared parking areas shall be located to the side or the rear of the cottage development and shall not be located between dwelling units and the adjacent street.
- (3) Shared surface parking areas shall be located in parking courts of not more than five (5) adjoining (side by side) spaces and not more than ten (10) total parking spaces in one parking area. Each parking court shall be separated from the common open space by landscaping and/or fencing.
- (4) Common shared detached garage/carport structures shall be limited to no more than five (5) single car garages/carports per structure and not more than ten (10) total parking spaces in one parking area. Each parking area shall be separated from the common open space by landscaping and/or fencing.
- (5) When more than one shared parking area is provided in a development site, they shall be separated from each other by at least twenty (20) feet.
- (6) All parking courts and structures shall be screened from public streets and adjacent residential uses by landscaping and/or fencing.
- (7) The public street setback for parking courts and parking courts with carports shall be at least ten (10) feet more than the distance between the adjacent street and the dwelling closest to the street.
- (8) The side and rear yard setbacks for parking courts and parking courts with carports shall be at least ten (10) feet. The setback for parking in a detached garage shall meet the setback standards in Section 390-27.1 D.
- ~~(9) Garage parking spaces shall be reserved for the parking of vehicles owned by the residents of the development. Storage of items which preclude the use of the parking spaces for vehicles is prohibited.~~

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L. General Requirements

- (1) The use of common areas and structures, including parking areas, common open space and common structures shall be maintained over time. Conversion of these common areas and structures to other uses is prohibited;
- (2) Property owners/residents shall be responsible for the on-going maintenance of common areas and structures; and
- (3) A dwelling unit may not be enlarged once it has been constructed in accordance with the final approved master plan. Vaulted building space shall not be converted into habitable space. Porches, patios or decks shall not be enclosed. A variance to increase the size of a unit is prohibited; and
- (4) An attached or detached garage that has been provided to meet minimum parking requirements for a cluster housing development cannot be converted to habitable space or another use without compensating for the parking space elsewhere on the development site or parcel. Conversion of a cottage's detached garage to habitable space shall not be allowed unless the total floor area of the cottage will remain within the Cottage Floor Area requirements of CDC 390-27.1.C after the conversion; and

(54) Home Owners' Association and Covenants

Prior to granting final approval of the Planned Development, legal documents creating a home owners' association and necessary covenants and restrictions shall be recorded that address the requirements described below. The document(s) shall be recorded in the Washington County Deed Records and shall be binding upon all heirs, successors and assigns. The home owners' association and necessary covenants and restrictions shall remain in perpetuity.

- (a) Establish common areas and structures, including parking areas, common open space and common structures; and preclude their conversion to another use;
- (b) Require the on-going maintenance of private and common areas and all buildings and structures;
- (c) Prohibit any increase to size of any unit after construction, including the conversion of vaulted space into habitable space; no variance or hardship relief shall be permitted to increase the size of a unit; and
- (d) Reserve the use of parking areas, including garages, for the parking of vehicles.

**2. Community Development Code Section 405, OPEN SPACE, of Article IV, Development Standards, is amended to reflect the following:**

**405 OPEN SPACE**

**405-1 The following categories identified in the Site Analysis, Section 404-1, shall be preserved as open space, except as may be otherwise provided:**

- 405-1.1 Confirmed land movement hazard areas, as identified through the application of the standards of Section 410, or mapped as a Significant Natural Area on the Community Plan;
- 405-1.2 Areas confirmed to have severe erosion potential due to soil type, geologic structure and vegetation, as identified through the application of the standards of Section 410, or mapped as a Significant Natural Area on the Community Plan;
- 405-1.3 Bodies of water such as rivers or lakes;
- 405-1.4 Land within the Flood Plain, Drainage Hazard Area or riparian zone, except as provided in Sections 421 and 422; or
- 405-1.5 Other specific areas identified for open space within the Community Plan, including areas identified as Density Restricted Lands in the North Bethany Subarea of the Bethany Community Plan, with the exception of slopes greater than twenty-five (25) percent that are located outside of the Natural Features Buffer shown on the Urban/Rural Edge Map of the North Bethany Subarea Plan.

Policy 18 (Plan Designations and Locational Criteria for Development) of the Comprehensive Framework Plan for the Urban Area is amended to reflect the following:

## POLICY 18, PLAN DESIGNATIONS AND LOCATIONAL CRITERIA FOR DEVELOPMENT

**It is the policy of Washington County to prepare community plans and development regulations in accordance with land use categories and locational criteria contained in the Comprehensive Framework Plan.**

### Implementing Strategies

The County will:

- a. Utilize the land use classifications for the community planning program characterized in this section as plan designations. In determining the appropriate land use designations for community land, the location criteria should be utilized. Through the preparation of Community Plans the application of the plan designations may deviate from the general characterizations of those designations. Such deviations shall be characterized in the Community Plans.
- b. Incorporate the plan designations characterized in this section into the Development Code as land use districts. A precise definition of the use types permitted within each district and their development standards shall be contained within the regulations. These regulations will be developed, with citizen input, concurrently with the development of the Community Plans.
- c. Require that open space areas required as a condition of approval through a development action preceding the effective date of this ordinance shall remain as such and cannot be developed except as may be provided by the Community Development Code.

### Summary Findings and Conclusions

The basic building block for comprehensive planning is the land use scheme or pattern which provides for future population and employment growth. From this pattern public facilities and services are gauged and planned. In addition to the basic land uses of residential, commercial, and industrial, refinements within each major category are used to respond to community characteristics. Issues of compatibility, such as buffering, landscaping and access control will be addressed in the revised development regulation standards and through provision for appropriate administrative and public review procedures. In addition, these regulations will address the conditions under which certain uses or actions can be taken. All such regulations will be clear and objective.

For New Urban Areas described in Policy 43, a concept planning process (pursuant to Title 11 of the Metro Urban Growth Management Functional Plan) resulted in a more detailed plan for future capacity and infrastructure needs. In the New Urban Area represented by the North Bethany Subarea of the Bethany Community Plan, the predominant land use is residential, with non-residential areas designed to support the residential uses. Because of the more detailed plan, most of the non-residential uses allowed in pre-existing residential districts in the county (e.g., R-6, R-9, etc.) are not warranted. Consequently, an overlay district for the North Bethany Subarea Plan was created to distinguish the North Bethany Subarea as a predominantly residential community where the Subarea Plan represents a more refined level of community planning. North Bethany land use districts are based on pre-existing residential districts which have been modified to allow uses appropriate to the Subarea Plan.



The North Bethany Subarea Plan addresses issues of compatibility by following a template for a density transect. The transect calls for a gradual change of density that ranges from the highest densities at the core of the community to the lowest densities at the rural edge. The land use designations applied in the North Bethany Subarea are refined to reflect intended concept plan and community design objectives. In general, the applied districts represent a sub-set of the range of permitted uses in the broader, original districts (e.g., R-6, R-9, NC). This condition is indicated in the district nomenclature (for example, the R-6 designation specific to the North Bethany Subarea is indicated as "R-6 North Bethany," or "R-6 NB").

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#### Plan Designations in the North Bethany Subarea

The following plan designations shall only be used in the North Bethany Subarea. Plan designations shall be located consistent with the North Bethany Subarea Plan of the Bethany Community Plan.

##### R-6 North Bethany (R-6 NB)

*Characterization:* The R-6 NB District is the lowest density district applied to lands in the North Bethany Subarea. It is intended to provide for larger lots at densities between five (5) and six (6) units per acre. Typical housing types include detached single family, duplexes, manufactured dwellings on individual lots, and accessory dwelling units.

*Location criteria:* The R-6 NB District is typically located along neighborhood routes or local streets. This designation is appropriate along an arterial or collector when that location is determined to be appropriate through the development of the North Bethany Subarea Plan. Adjacent land uses may include rural areas, medium density residential districts, institutional and community service uses. This designation is also appropriate along existing lower density residential development areas and in areas where densities are restricted (e.g., steep slopes).

##### R-9 North Bethany (R-9 NB)

*Characterization:* The R-9 NB District is a medium density residential district applied to lands in the North Bethany Subarea. The R-9 NB District is similar to the R-6 NB District, however, the R-9 NB District allows smaller single family residential lots. Densities range between seven (7) and nine (9) units per acre. Housing types include detached and attached single family dwellings, duplexes, and accessory dwelling units. Manufactured dwelling subdivisions and parks may also be located in the R-9 NB District.

*Location criteria:* The R-9 NB District is typically located along neighborhood routes or local streets. This designation may appropriate along an arterial or collector when that location is determined to be appropriate according to the North Bethany Subarea Plan. Adjacent land uses may include other medium or low density residential districts, institutional and community service uses.

##### R-15 North Bethany (R-15 NB)

*Characterization:* The R-15 NB District is a medium density district applied to lands in the North Bethany Subarea. This district is intended to provide a transition between lower and higher density land use districts. Uses in the R-15 NB District include attached single family dwellings, duplexes, triplexes, and other multi-family options, such as lower density apartments. In addition, manufactured dwelling subdivisions and parks and multi-family developments, such as apartments, may be provided. Densities range from twelve (12) units per acre to fifteen (15) units per acre.

*Location criteria:* The R-15 NB District should generally be located close to, but not necessarily on, a neighborhood route, collector or arterial. Adjacent land uses may include R-6 NB, R-9 NB and R-24 NB Districts, institutional and community service uses.

abcdef Proposed additions

~~abcdef~~ Proposed deletions

R-24 North Bethany (R-24 NB)

*Characterization:* The R-24 NB District is a high density residential district applied to lands in the North Bethany Subarea. Uses in the R-24 NB District are primarily multi-family developments, such as apartments, and may include live-work units. Group care facilities may also be provided. Densities range from nineteen (19) to twenty-four (24) units per acre.

*Location criteria:* The R-24 NB District should be located near destinations such as commercial areas, parks, medium density districts and other high density districts. The R-24 NB District is typically located on or near a neighborhood route or collector. The R-24 NB District may also be located on a neighborhood route or local street on sites near a collector or arterial. Adjacent uses may include R-9 NB, R-15 NB and R-25+ NB, commercial, institutional and community service uses.

R-25+ North Bethany (R-25+ NB)

*Characterization:* The R-25+ NB District is the highest density residential district applied to lands in the North Bethany Subarea. The R-25+ NB District is intended to provide dense, multi-family residential dwellings in densities ranging from twenty (20) to fifty (50) units per acre. Typical housing types within this district include apartments, senior housing, assisted living, student housing, and similar uses with reduced off-street parking needs.

*Location criteria:* The R-25+ NB District should be located adjacent to the commercial center to help shape a new community's center and provide shopping services within walking distance of residences. This district should be located on or near collectors or arterial streets. Through traffic access from local streets must be designed as a commercial street. Adjacent uses may include R-24 NB, commercial and community service uses.

Neighborhood Corner Commercial District (NCC NB)

*Characterization:* One NCC District site is planned for each neighborhood in the North Bethany Subarea; this is intended to function as a focal point for the neighborhood. The uses commonly found in the NCC District include small retail and service uses, such as a convenience store, day care facility, café, dry cleaner and professional office. Convenience stores, personal service uses and retail businesses are limited to 3,500 square feet of gross floor area in order to not detract from the more prominent NCMU District. Upper story residential dwelling units may also be provided.

*Location criteria:* Application of the NCC District is primarily limited to areas specifically designated in the community planning process. NCC sites are typically placed at visible locations, such as at the intersections of a neighborhood route, collector and/or arterial. The distance between a NCC use and any other commercial center should be between a one-quarter (1/4) mile and one (1) mile. Adjacent uses may include higher density residential districts and community service uses.

Neighborhood Commercial Mixed Use District (NCMU NB)

*Characterization:* There is one centrally-located NCMU District in the North Bethany Subarea Plan; it is intended to provide opportunities for community residents to meet daily needs within walking distance. The NCMU District allows for various commercial uses, personal service establishments and retail businesses, along with community gathering places. Typical development within the NCMU District includes retail businesses, office uses, banks, food markets, dry cleaners, day care facilities, and civic uses. The planned commercial program for the NCMU District stipulates size limitations and is intended to be subordinate to the nearby Town Center at Bethany Village. Upper story residential dwelling units may also be provided in the NCMU District.

*Location criteria:* The size and location of the NCMU District was determined through the community planning process, specifically on and near arterial streets, the Park Blocks and the west community park. Uses in the NCMU District shall be easily accessible from surrounding neighborhoods by foot, bike and car. Adjacent uses include high density districts, parks and community service uses. Under the Metro 2040 Concept, the NCMU area of North Bethany is designed to function as a Main Street.

Institutional North Bethany (INST NB)

*Characterization:* This class of uses includes existing publicly owned facilities and lands (e.g., two future school sites owned by Beaverton School District, one future fire station site owned by Tualatin Valley Fire & Rescue), existing lands owned by utilities (e.g., power line easements), and existing uses serving the general public (e.g., cemetery, Bethany Presbyterian Church).

*Location criteria:* During the community planning process for development of the North Bethany Subarea Plan, the size and location of seven INST NB sites were determined based on the location of existing publicly owned lands, lands owned by utilities, and uses serving the general public. The use types included in this category are diverse in nature. Therefore, optimal location(s) for future uses in this class cannot be defined. Instead, as these uses are needed, their location should be reviewed and determined through special studies or plans and the community planning process.